

**FLATHEAD COUNTY PLANNING AND ZONING OFFICE
LAKE AND LAKESHORE CONSTRUCTION PERMIT
FLP-21-99 MCDONALD FAMILY TRUST
NOVEMBER 23, 2021**

A report regarding a request for a lakeshore construction permit to install a floating dock within the Lakeshore Protection Zone (LPZ) of Lake Five. This request has been determined by the Flathead County Board of Commissioners to require Flathead County Planning Board review and recommendation as the project may have a significant impact on the lake, lakebed, or lakeshore, as outlined in Section 3.3(B) of the Flathead County Lake and Lakeshore Protection Regulations (FCLR).

I. APPLICATION REVIEW

A. Planning Board

The Flathead County Planning Board will conduct a public hearing on the lakeshore construction permit application on December 8, 2021 at 6:00 P.M. in the second floor Conference Room of the South Campus Building located at 40 11th Street West in Kalispell, Montana. A recommendation from the Planning Board will be forwarded to the County Commissioners for their consideration.

B. Commission

The Flathead County Board of Commissioners will review the lakeshore construction permit application after the public hearing conducted by the Planning Board.

II. GENERAL INFORMATION

A. Application Personnel

1. Applicant/Property Owner

McDonald Family Trust
121 Palmer Drive
Kalispell, MT 59901

B. Property Location and Size

The subject property is located at 428 Belton Stage, West Glacier, MT. The property is approximately 0.24 acres, has approximately 67 feet of shoreline per Certificate of Survey No. 19591, and can be legally described as Tract 1E in Government Lot 3 in Section 9, Township 31 North, Range 19 West, P.M.M., Flathead County, Montana.

Figure 1: Subject property outlined in yellow



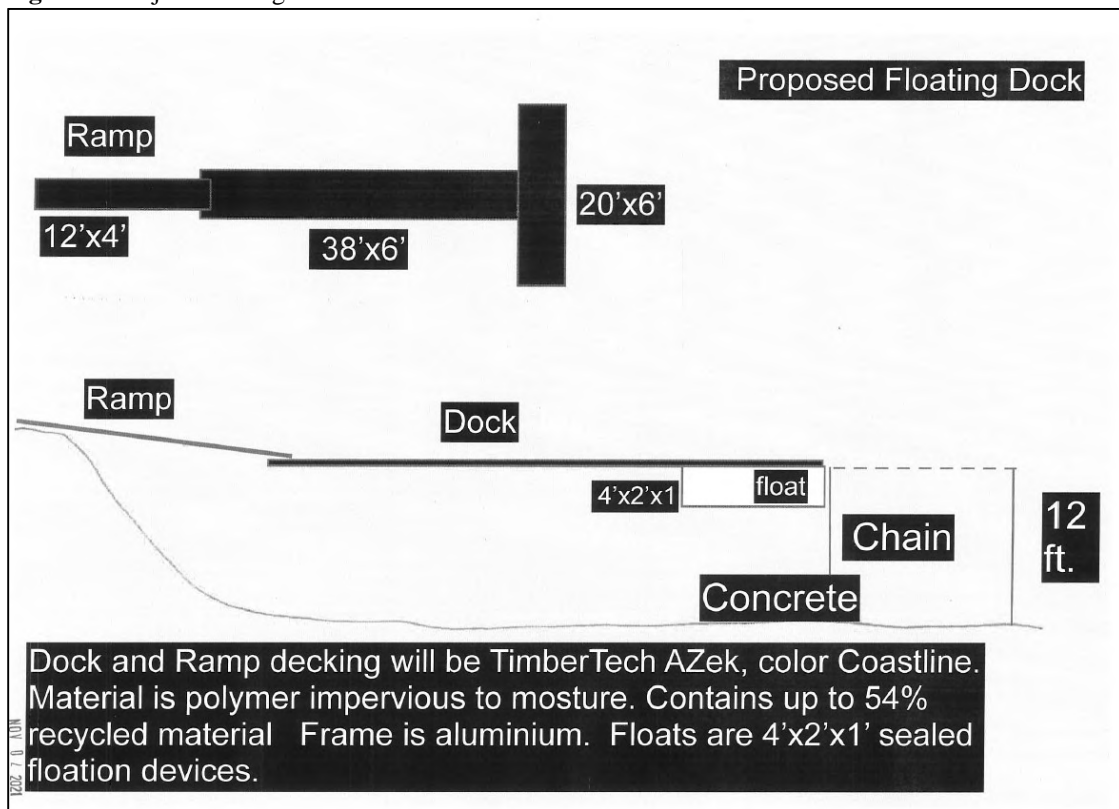
C. Summary of Request

The applicant is requesting a lakeshore construction permit to install a floating dock within the Lakeshore Protection Zone (LPZ) of Lake Five. Currently within the LPZ, there is a dock, retaining wall, concrete stairway, gravel walkway, stone patio, deck, and pump house.

The existing wooden dock will be removed and a floating 'T' shaped dock will be installed. The floating dock will extend 50 feet from the lakeshore. The gangway will be 12 feet in length by 4 feet in width, the main portion of the dock will be 38 feet in length by 6 feet in width, and the breakwater wing will be 20 feet in length by 6 feet in width. The dock will be constructed of composite decking material with an aluminum frame.

No additional impervious cover will be added to the LPZ as the existing dock will be replaced with a dock of the same dimensions.

Figure 2: Project drawing



III. EVALUATION OF REQUEST

The criteria outlined in the Flathead County Lake and Lakeshore Protection Regulations (FCLR) Section 4.1 Policy Criteria for Issuance of a Permit were used to determine findings of fact and to evaluate the significant impact the request may have on the lake, lakebed, or lakeshore.

A. Materially diminish water quality

One of the policies of the lakeshore regulations is increased sedimentation in the lake should be minimized to the greatest extent possible, as a protection for water quality and fish habitat. All work within the LPZ must comply with the general construction standards outlined in Section 4.2 FCLR. The requested lakeshore construction permit would be conditioned to adhere to these standards. Short-term water quality issues could be mitigated by undertaking certain work activities during seasonal low pool and utilizing construction materials that do not degrade water quality. The project would not increase the impervious surface cover since the current dock will be removed and replaced with a dock of the same dimensions. The floating dock would have an open design allowing for water to flow freely underneath the structure.

This request is not anticipated to materially diminish the water quality of Lake Five because the proposed project appears to comply with the general construction and design standards of the Flathead County Lake and Lakeshore Protection Regulations.

B. Materially diminish habitat for fish or wildlife

As previously stated, the open nature of the dock should not have an impact on habitat for fish or wildlife as water and aquatic species may pass freely underneath of the structures.

The impervious surface area would remain the same as existing, thus the project would not increase the potential amount of run-off and the impact on water quality would be minimal.

Finding #1: The proposed project would not materially diminish water quality or habitat for fish or wildlife because the dock would be of an open design allowing free water and aquatic life flow, the total constructed impervious surface area would remain the same as existing, and all work would be required to comply with the general construction and design standards of the Flathead County Lake and Lakeshore Protection Regulations.

C. Interfere with navigation or other lawful recreation

The project is not anticipated to have a significant impact on navigation or lawful recreation because the proposed dock appears to comply with the design standards. The dock would be less than 60 feet in length and would be located a minimum of 25 feet from the riparian boundaries for safe boat access.

Finding #2: The proposed project is not anticipated to interfere with navigation or other lawful recreation because the dock would comply with the design standards of the Flathead County Lake and Lakeshore Protection Regulations.

D. Create a public nuisance

The project is not anticipated to create a public nuisance because the proposed dock appears to comply with the design standards of the Flathead County Lake and Lakeshore Protection Regulations, thus, no variances are being requested with the application.

Finding #3: The proposed project would not create a public nuisance because the dock would comply with the design standards of the Flathead County Lake and Lakeshore Protection Regulations.

E. Create a visual impact discordant with natural scenic values, as determined by the governing body, where such values form the predominant landscape elements.

As previously stated, the proposed project appears to comply with the design standards of the Flathead County Lake and Lakeshore Protection Regulations. The project is not anticipated to create a visual impact greater than what currently exists on the surrounding shoreline as many other properties along the lake contain similar improvements and no variances to the regulations are being requested as part of this application.

F. Alter the characteristic of the shoreline

As previously stated, the existing dock will be removed and replaced with a dock of the same dimensions. The project would comply with the design standards of the Flathead County Lake and Lakeshore Protection Regulations, and the characteristic of the shoreline would be similar to other lakefront properties.

Finding #4: The proposed project would not create a visual impact discordant with the natural scenic values or alter the characteristic of the shoreline because other properties along the lake contain similar improvements and the project would comply with the design standards of the Flathead County Lake and Lakeshore Protection Regulations.

IV. SUMMARY OF FINDINGS

1. The proposed project would not materially diminish water quality or habitat for fish or wildlife because the dock would be of an open design allowing free water and aquatic life flow, the total constructed impervious surface area would remain the same as existing, and

all work would be required to comply with the general construction and design standards of the Flathead County Lake and Lakeshore Protection Regulations.

2. The proposed project is not anticipated to interfere with navigation or other lawful recreation because the dock would comply with the design standards of the Flathead County Lake and Lakeshore Protection Regulations.
3. The proposed project would not create a public nuisance because the dock would comply with the design standards of the Flathead County Lake and Lakeshore Protection Regulations.
4. The proposed project would not create a visual impact discordant with the natural scenic values or alter the characteristic of the shoreline because other properties along the lake contain similar improvements and the project would comply with the design standards of the Flathead County Lake and Lakeshore Protection Regulations.

V. CONCLUSION

Per Section 3.3 and Section 4.1 of the Flathead County Lake and Lakeshore Protection Regulations, a review and evaluation by staff comparing the application for a Lakeshore Construction Permit to the policy criteria for issuance of a permit has found the proposal to generally comply with the review criteria, based upon the draft Findings of Fact outlined above.

VI. CONDITIONS OF APPROVAL:

A. Standard Conditions of Approval:

1. No other activities are permitted within the Lakeshore Protection Zone other than those listed and/or conditioned by this permit.
2. Mechanized vehicles shall be allowed on the lakeshore only in connection with this project. Should any vehicle slice, gouge, or rut the beach, become stuck or expose clay, silts, and fine sands, said vehicle shall be immediately removed from the Lakeshore Protection Zone and an alternative procedure shall follow [Section 4.2(D)(2)(e)].
3. No vehicle shall come in contact with the lake water.
4. All construction debris shall be disposed of outside the Lake and Lakeshore Protection Zone in such a manner and in such a location so as to prohibit its reentry into the lake, per Section 4.2(F)(2).
5. Temporary stockpiling of materials is prohibited in the Lakeshore Protection Zone [Section 4.2(C)(2)(b)].
6. All wood used in the Lakeshore Protection Zone, or in the construction of over-water structures, shall be untreated and left in its natural state. No preservatives including varnish, stain, paint, linseed oil, diesel fuel, creosote or any other surface or pressure treated preservatives are allowed [Section 4.2(B)(2)(a)(1)].
7. This permit must follow the dimensions and project description as submitted, unless amended by the Flathead County Lake and Lakeshore Protection Regulations.
8. The proposed activity shall not, during either its construction or utilization, alter the existing grade of the shoreline.

B. Project Specific Conditions of Approval:

Floating Docks:

9. Any composite material subject to frequent submersion or inundation must be marine grade [Section 4.2(B)(2)(b)].

10. Any metal used in the lakeshore protection zone may be painted or coated with an inert metal sealant (i.e. paint, plastic, rubber, enamel, etc.) which has thoroughly dried/cured prior to its use [Section 4.2(B)(2)(c)(1)].
11. No metal used in the lakeshore protection zone may contain deposits or a surface application of any of the following: grease, oil, paint, varnish or coatings, which have not thoroughly cured or dried or any chemical or substance which will wash off or dissolve when in contact with water.
12. Minimal lubrication of critical metal components to allow movement is allowed [Section 4.2(B)(2)(c)(2)].
13. Styrofoam logs, as a method of flotation are prohibited. Extruded polystyrene (blue logs) or similar single cell foam is allowed. All foam flotation logs shall be completely encased in solid wood (excluding particle board, plywood, etc.) or in metal. Drain holes or a maximum of 1/2 inch spacing between wood boards may be allowed [Sections 4.2(B)(2)(c)(1&2)].
14. The dock shall not exceed eight (8) feet in width and/or sixty (60) feet in overall length [Section 4.3(A)(2)(a)(2&9)]
15. The dock must be setback a minimum of fifteen (15) feet from each side and/or riparian property line, per Section 4.2(H)(2)(b). Where boat access is provided to the dock, a minimum of twenty-five (25) feet shall remain open between the dock structure and the riparian boundary for safe boat access [Section 4.3(A)(2)(a)(4)].
16. The floating platform should be removed by December 1 and anchored securely to avoid ice damage and improve the appearance of the shoreline. Wood skids shall be incorporated into the bottom of the dock to protect the wood bottom during annual installation and removal [Section 4.3(A)(2)(c)(2)].
17. All floating platforms shall be suitably anchored to the lake bottom to avoid drift. Anchoring methods are limited to cable, galvanized chain, or nylon, or polypropylene rope attached to a suitable clean weight such as solid clean concrete, rock or steel blocks, or a temporary pipe and post system which allows the dock sections to slide up and down [Section 4.3(A)(2)(c)(3)].